

Call to Order:

The meeting was called to order at 7:37 p.m. Present were Chair, Joan Duff, and members Linn Anderson, Jay Doherty, John McDonnell, and Vincent Chiozzi (arrived at 7:45 p.m.); also present was Jacki Byerley, Planner.

40 Shattuck Road:

Ms. Byerley reviewed her memo to the Board dated September 9, 2011 regarding to a request to modify parking at 40 Shattuck Road. John Crowe Associates, on behalf of Boston Limited Partnership, asked that the Board allow the removal of 112 existing parking spaces, and the construction of 48 spaces within the new lot for 40 Shattuck Road. It was further requested that the Board find this change to be a minor modification.

Ms. Byerley noted that the existing bylaw requires 403 parking spaces and the modification will provide 407 parking spaces. On a motion by Ms. Anderson, seconded by Mr. Doherty, the Board voted to find the request by John Crowe Associates, on behalf of Boston Limited Properties, to consider the removal of 112 existing parking spaces and the construction of 48 spaces within the new lot for 40 Shattuck Road a minor modification. **Vote:** Unanimous (4-0)

On a motion by Ms. Anderson, seconded by Mr. Doherty, the Board further voted to allow the request by John Crowe Associates, on behalf of Boston Limited Properties, for the removal of 112 existing parking spaces and the construction of 48 spaces within the new lot for 40 Shattuck Road as described in Ms. Byerley memo to the Board dated September 9, 2011. **Vote:** Unanimous (4-0)

Crystal Circle:

Ms. Byerley reviewed her memo to the Board dated September 1, 2011, regarding a request from Patch Property Holdings, LLC, to change the curbing in the Cristal Circle subdivision. William MacLeod, P.E ,the applicant's engineer, discussed the reasons for the change, and asked that the Board find the removal of granite curbing in the Crystal Circle Subdivision to be a minor modification. The Board discussed the minor modification request and whether staff could approve such a modification. On a motion by Ms. Anderson, seconded by Mr. Doherty, the Board voted to find the request from Patch Property Holdings, LLC for the removal of the granite curbing for the Crystal Circle subdivision be a minor modification. **Vote:** Unanimous (4-0)

On a motion by Ms. Anderson seconded by Mr. Doherty the Board voted to approve the change in curbing to the Crystal Circle subdivision as described in Ms. Byerley's memo to the Board dated September 1, 2011. **Vote:** Unanimous (4-0)

Crystal Circle SPG:

On a motion by Ms. Anderson seconded by Mr. Doherty the Board voted that the performance guarantee for Crystal Circle which would serve eight (8) lots be set in the amount of \$280,500.00. This amount will be valid for thirty days. No Clearance Certificates will be issued until the relevant conditions of approval have been completed. **Vote:** Unanimous (5-0)

Pine Forest Park:

The Board opened the public hearings that were continued from the August 23rd meeting on an application by Angelo Petrosino for a proposed 11-lot Definitive Subdivision and a Special Permit for Earth Movement entitled Pine Forest Park located off Flash Road, North Reading, MA, Assessors' Map 104 Lot 3.

Joan Duff, Chair, reviewed the items that will be discussed at tonight's meeting listed in Ms. Byerley memo to the Board dated September 9, 2011 and noted the Board has received several letters from abutters.

Luke Roy of O'Neil Associates, representing the applicant, reviewed a letter to the Board dated September 7, 2011 outlining the items to be discussed including the applicant's responses to those items.

Mr. Roy noted that at the Sept. 6th Planning Board meeting in North Reading, the Board decided a public hearing is required for the Flash Road improvements. He also noted that they will relocate the pump house in order to conform to zoning. Mr. Roy stated that after receiving a letter from Andover Fire Rescue dated August 9, 2011 expressing their issues with response times, he called Deputy Chief Corcoran in Wilmington and asked how they handle the homes in Wilmington accessed via Old Andover Road from Burroughs Rd. in North Reading. Deputy Chief Corcoran's comments are outlined in a letter from Luke Roy to the Board dated Sept. 7th.

Mr. Roy stated that he is still waiting for a response from Epping Well and Pump relating to the operation and maintenance of the cistern and fire suppression. Mr. McDonnell asked for information in writing on how many cisterns and fire protection systems Epping Well and Pump maintains, and how long they have been in business. Mr. McDonnell would also like in writing, for the record, documentation that the applicant cannot obtain an Inter-Municipal Agreement for the water supply.

Attorney Thomas Mullen, representing the applicant, reviewed a letter to the Board dated August 31, 2011 including information from the North Reading Town Clerk's office listing public and private ways and noted that only 350 linear feet of Roach Circle was accepted as a public way in 1947.

Attorney Mullen stated that he has received changes for the homeowners' association (HOA) from Town Counsel which will eliminate the neighbors' concern regarding property owners dissolving the HOA.

Angelo Petrosino stated that he has agreed in Court that they will not use Roach Circle, they will use Flash Road and will put a sign on Roach Circle "Residents Only". Mr. McDonnell suggested a sign "No Left Turn."

Ms. Duff opened the discussion to the Fire Prevention Officer, Lt. Pomerleau. Lt. Pomerleau noted that he has seen the letter from Deputy Chief Corcoran but has not seen a written agreement so he can't comment on why or how North Reading responds to Wilmington homes. He also reviewed how mutual aid agreements work, and discussed response times getting to the

Pine Forest Park (cont.):

subdivision during high volumes of traffic or during seasonal flooding in that area. Lt. Pomerleau reviewed the Andover Fire Department mission statement and response times. Mr. McDonnell asked what the response time to Pipers Glen was. Lt Pomerleau noted that you can't compare Pipers Glen with Pine Forest Park because Pipers Glen is accessed via public ways in town and that Pine Forest Park is not a straight shot, you have to go through another community. Ms. Anderson asked what would have to take place for North Reading to be first responders. Ms. Byerley noted that the applicant should provide that information to the Board. Mr. Roy noted that he provided the agreement between Wilmington and North Reading because he thought it would be informative.

Mr. Petrosino noted that he has tried to contact the Town of North Reading regarding the water but has had no response. The Board has requested more information regarding an inter-municipal agreement for the water, the agreement between Wilmington and North Reading regarding first response, the route taken during a response, response times and whether or not it works.

Ms. Byerley reviewed her memo to the Board dated September 9, 2011 outlining the items for discussion and reviewed which items are outstanding. Mr. Roy reviewed the existing emergency access and who opens the access during floods. The Board requested a ten (10) year history of how frequently flooding occurs in that area, if the State is notified and what are the procedures when flooding occurs.

Lt. Pomerleau expressed concern regarding the extensive testing and reliability of the fire prevention system years down the road. He also expressed concern that if the inspections are not made and the cistern is not properly maintained there might not be water there when it's needed. Ms. Byerley noted that the Town does require a deposit be made in an HOA account. Lt. Pomerleau noted that he does not have any experience with this type of system and he questioned what would happen if the HOA decided to go with another contractor to inspect and maintain the cistern. Angelo Petrosino noted that the company can send the inspection report to the Fire Department. Ms. Byerley noted that how the cistern is going to be maintained and when it is to be inspected is in the HOA. Attorney Mullen noted that in the HOA it will state that they can't change contractors without Planning Board approval. He also stated that his client will put sprinklers systems in the homes which will help in response times. Ms. Anderson asked if the applicant has submitted the water flow with the cistern in this application. Lt. Pomerleau reviewed the residential sprinkler requirement and noted that sprinkles only protect residential spaces they are not installed in garages or closets; it's only for life safety. Mr. Roy noted that each lot will have a private well with a tank to supply water for the sprinkler system. Ms. Corelle, of 37 Lakeside Blvd. in North Reading, expressed concern that the HOA would not be established during construction. Attorney Mullen noted that the applicant would be the HOA until all the lots are sold.

The Board requested that the applicant get a survey plan of Flash Rd., Roach Cir. with the lengths of the roadways. Mrs. Decola, of 6 Roach Circle, asked if the plan showed the paved portion of Roach Cir. Mr. McDonnell requested the applicant provide an aerial plan showing where the subdivision roadway is in relation to Flash Rd and Roach Circle. Al Walker, of 11

Pine Forest Park (cont.):

Flash Rd., noted that he would like more information on the cistern. The Chair noted that the Board has already requested that information. Ms. Corelle asked why Mr. Petrosino was able to improve the way when the abutters do not want the roadway improvements. Attorney Mullen reviewed the law regarding the abutters' rights to improve a way. Ms. Anderson stated that the venue to express their concerns regarding the improvement to Flash Rd is via the North Reading public hearing process. On a motion by Ms. Anderson, seconded by Mr. McDonnell, the Board voted to continue the public hearings on an application by Angelo Petrosino for a proposed 11-lot Definitive Subdivision and a Special Permit for Earth Movement entitled Pine Forest Park located off Flash Road, North Reading, MA, to Oct. 11th, at 8:00 pm. and Oct. 25, 2011 at 7:30. The items to be discussed are listed on the secretary's list dated Sept. 13, 2011 **Vote:** Unanimous (5-0)

Minutes:

On a motion by Ms. Anderson seconded by Mr. McDonnell the Board voted to approve the minutes for July 26th and August 9, 2011 as amended. **Vote:** (4-0-1) Joan Duff, Linn Anderson, John McDonnell, and Vincent Chiozzi voting yes and Jay Doherty abstained from voting.

Adjournment: The meeting was adjourned 9:25 p.m.